

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROSALIND D. HARRIS,

Plaintiff,

v.

CITY OF FERGUSON, MISSOURI, et al.,

Defendant.

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No. 4:23-CV-311-SRW

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. Self-represented Plaintiff Rosalind D. Harris has paid the filing fee in this case. Because Plaintiff paid the full filing fee, she is responsible for properly serving Defendants pursuant to Rule 4 of the Federal Rules of Civil Procedure. To date, Plaintiff has not properly served Defendants.

To serve Defendants with summonses, Plaintiff must submit to the Clerk of Court for *each* of the Defendants:

- 1) a file-stamped copy of the complaint;
- 2) a completed summons form (AO Form 440); and
- 3) a completed “Notice of Intent to Use Private Process Server” form.

See Fed. R. Civ. P. 4(b); E.D. Mo. L.R. 2.02(B). The “Notice of Intent to Use Private Process Server” form must include the name and address of the process server who will be serving the Defendant. “Any person who is at least 18 years old and not a party may serve a summons and complaint.” *See* Fed. R. Civ. P. 4(c)(2). Plaintiff must complete these forms and return them to the Clerk’s Office. Once Plaintiff submits these forms, the Clerk’s Office will sign and seal the summonses and return them to Plaintiff. The summonses must then be served upon Defendants

by an appropriate server, and return of service must be filed with the Court.

Plaintiff may also wish to consider the Missouri Secretary of State's Service of Process Checklist as a resource. The Checklist indicates service of an active corporation requires proof of prior attempted service upon the registered agent. *See Mo. Sec'y of State, Serv. of Process*, <https://www.sos.mo.gov/serviceofprocess> (last visited May 15, 2023). For additional guidance, Plaintiff should review Federal Rule of Civil Procedure 4(h) regarding serving a corporation and the remaining provisions of Federal Rule of Civil Procedure 4.

The Court will order that Plaintiff properly serve Defendants within thirty (30) days from the date of this Order. *See Fed. R. Civ. P. 4(m)* ("If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time."). Failure to properly serve a Defendant will result in the dismissal of Plaintiff's claims against that Defendant without prejudice, unless Plaintiff demonstrates good cause for the failure.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall send to Plaintiff: (i) a file-stamped copy of the complaint; (ii) five (5) summons forms; and (iii) five (5) "Notice of Intent to Use Private Process Server" forms.

IT IS FURTHER ORDERED that Plaintiff serve Defendants no later than thirty (30) days from the date of this Order. In the absence of good cause shown, failure to timely serve a Defendant will result in the dismissal of Plaintiff's claims against that Defendant without prejudice.

Dated this 23rd day of May, 2023.



STEPHEN R. WELBY
UNITED STATES MAGISTRATE JUDGE